

AMENDED IN ASSEMBLY MAY 1, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2556

Introduced by Assembly Member Allen

February 24, 2012

An act to amend Sections 4292 and 4295 of the Public Resources Code, and to add Chapter 6 (commencing with Section 8390) to Division 4.1 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 2556, as amended, Allen. Electrical lines: trimming of trees.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined, while local publicly owned electric utilities, as defined, are under the direction of their governing boards. Existing law, except as specified, requires any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous, forest-covered, brush-covered, or grass-covered land to maintain a clearance in all directions between all vegetation and all conductors that are carrying electric current, as prescribed. Pursuant to its existing authority, the PUC has adopted rules applicable to electrical corporations for the construction of electrical lines and the trimming of trees near electrical lines.

This bill would require each electrical corporation and local publicly owned electric utility to avoid excessive tree trimming that threatens the health of a tree, to make a good faith effort to implement good forestry practices and vegetation management practices, *and to preserve*

the health of mountainous lands, forest-covered lands, *and* brush-covered lands, ~~and protect the aesthetic, cultural, and property value of the area.~~ The bill would prohibit removal of trees unless specified circumstances exist and require the utility to obtain the written confirmation by an arborist of the need to remove a tree and to provide specified notice prior to removal of a tree. The bill would require an electrical corporation or local publicly owned electric utility to ~~provide notification to a property owner annually provide a copy of the company's vegetation management plan to the affected locality, provide notification publish the plan on its Internet Web site, and publish legal provide notification to affected property owners prior to undertaking tree trimming maintenance or brush removal conducting vegetation management.~~ By placing requirements upon local publicly owned electric utilities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4292 of the Public Resources Code is
2 amended to read:
3 4292. Except as otherwise provided in Sections 4295 and 4296,
4 any person that owns, controls, operates, or maintains any electrical
5 transmission or distribution line upon any mountainous land, or
6 forest-covered land, brush-covered land, or grass-covered land
7 shall, during such times and in such areas as are determined to be
8 necessary by the director or the agency which has primary
9 responsibility for fire protection of such areas, maintain around
10 and adjacent to any pole or tower which supports a switch, fuse,
11 transformer, lightning arrester, line junction, or dead end or corner
12 pole, a firebreak which consists of a clearing of not less than 10
13 feet in each direction from the outer circumference of such pole
14 or tower. This section does not, however, apply to any line which
15 is used exclusively as telephone, telegraph, telephone or telegraph
16 messenger call, fire or alarm line, or other line which is classed as

1 a communication circuit by the Public Utilities Commission. The
2 director or the agency which has primary fire protection
3 responsibility for the protection of such areas may permit
4 exceptions from the requirements of this section which are based
5 upon the specific circumstances involved.

6 SEC. 2. Section 4295 of the Public Resources Code is amended
7 to read:

8 4295. (a) A person is not required by Section 4292 or 4293 to
9 maintain any clearing on any land if ~~such the~~ person does not have
10 the legal right to maintain ~~such the~~ clearing, nor do ~~such those~~
11 sections require any person to enter upon or to damage property
12 ~~which that~~ is owned by any other person without the consent of
13 the owner of the property.

14 (b) In complying with the requirements of Sections 4292 and
15 4293, each electrical corporation and local publicly owned electric
16 utility shall do all of the following:

17 (1) Avoid excessive tree trimming that threatens the health of
18 a tree, *unless doing so is required by the utility's planned*
19 *vegetation management cycle.*

20 (2) Make a good faith effort to implement good forestry practices
21 and vegetation management practices, *and* preserve the health of
22 mountainous lands, forest-covered lands, *and* brush-covered lands.

23 ~~(3) Protect the aesthetic, cultural, and property value of the area.~~

24 ~~(4)~~

25 (3) Comply with the requirements of Chapter 6 (commencing
26 with Section 8390) of Division 4.1 of the Public Utilities Code.

27 ~~(d)~~

28 (c) For purposes of this section, "electrical corporation" and
29 "local publicly owned electric utility" have the same meanings,
30 respectively, as defined in ~~Section~~ *Sections* 218 and 224.3 of the
31 Public Utilities Code.

32 (d) *Nothing in this section shall be construed to prevent a utility*
33 *from complying with federal or state law.*

34 SEC. 3. Chapter 6 (commencing with Section 8390) is added
35 to Division 4.1 of the Public Utilities Code, to read:

36
37 CHAPTER 6. TREE TRIMMING AND REMOVAL PRACTICES

38
39 8390. (a) The requirements of this chapter are applicable to
40 each local publicly owned electric utility when complying with

1 the requirements of Chapter 3 (commencing with Section 4291)
2 of Part 2 of Division 4 of the Public Resources Code.

3 (b) The requirements of this chapter are applicable to each
4 electrical corporation when complying with the requirements of
5 Chapter 3 (commencing with Section 4291) of Part 2 of Division
6 4 of the Public Resources Code or any rule or order of the
7 commission, including Rule 35 of General Order 95.

8 (c) *Nothing in this chapter shall be construed to prevent a utility*
9 *from complying with federal or state law.*

10 8392. An electrical corporation or local publicly owned electric
11 utility shall not remove a tree unless the utility has actual
12 knowledge, obtained through either normal operating practices or
13 notification to the utility, that the tree is dead, rotten, or diseased
14 and one of the following circumstances exists:

15 (a) Removal of the tree is necessary to maintain responsible fire
16 protection.

17 (b) The tree overhangs, or leans toward, a transmission or
18 distribution line such that there is a reasonable possibility that the
19 tree may damage the line.

20 (c) The tree is required to be trimmed so extensively, in order
21 to comply with the requirements of Chapter 3 (commencing with
22 Section 4291) of Part 2 of Division 4 of the Public Resources Code
23 or, for an electrical corporation, Rule 35 of General Order 95, that
24 the health of the tree would be compromised and the tree would
25 ultimately become dead, rotten, or diseased and need to be removed
26 to maintain responsible fire protection.

27 8394. If an electrical corporation or local publicly owned
28 electric utility determines that a tree should be removed pursuant
29 to Section 8392, the utility shall do the following:

30 (a) Obtain written confirmation by an arborist licensed by the
31 International Society of Arboriculture and registered with the
32 Contractors' State License Board that the tree is dead, rotten, or
33 diseased or would likely become dead, rotten, or diseased with the
34 required extensive trimming.

35 ~~(b) Provide written notification to the property owner of the~~
36 ~~intent to remove the dead, rotten or diseased tree no less than 120~~
37 ~~days prior to the scheduled removal of the tree accompanied by~~
38 ~~the written confirmation from the licensed arborist obtained~~
39 ~~pursuant to subdivision (a). If the owner of the property is a city,~~
40 ~~county, city and county or other entity of local government, notice~~

1 shall be given to the city council, board of supervisors, or other
2 governing body. If the owner of the property is the state, notice
3 shall be given to the state entities that administer and occupy the
4 property and to the city council or board of supervisors of the city,
5 county, or city and county where the state property is located.

6 (e)

7 (b) Publish legal notification of its intent to remove a tree at
8 least once in a newspaper of general circulation serving the area
9 of the proposed tree removal not less than 120 days prior to the
10 scheduled removal of the tree.

11 8396. In performing tree trimming maintenance or brush
12 removal, each electrical corporation and local publicly owned
13 electric utility shall do all of the following:

14 (a) ~~Provide written notification to the property owner of the~~
15 ~~intent to trim trees or remove brush no less than 120 days prior to~~
16 ~~the scheduled tree trimming or brush removal. If the owner of the~~
17 ~~property is a city, county, city and county or other entity of local~~
18 ~~government, notice shall be given to the city council, board of~~
19 ~~supervisors, or other governing body. If the owner of the property~~
20 ~~is the state, notice shall be given to the state entities that administer~~
21 ~~and occupy the property and to the city council or board of~~
22 ~~supervisors of the city, county, or city and county where the state~~
23 ~~property is located.~~

24 (b) ~~Provide notification on the utility's Internet Web site no less~~
25 ~~than 120 days prior to the scheduled tree trimming or bush removal.~~

26 (c) ~~Publish legal notification of the scheduled tree trimming or~~
27 ~~brush removal at least once in a newspaper of general circulation~~
28 ~~serving the area of the proposed tree trimming or brush removal~~
29 ~~not less than 120 days prior to the scheduled tree trimming or brush~~
30 ~~removal.~~

31 (a) *Annually provide a copy of the utility's vegetation*
32 *management plan to the city, county, city and county, or other*
33 *entity of local government that will be affected by the plan.*

34 (b) *Publish the vegetation management plan on the utility's*
35 *Internet Web site.*

36 (c) *Prior to conducting vegetation management, a utility shall*
37 *provide notification to any property owners that will be affected*
38 *by the vegetation management. This notification shall explain that*
39 *the utility may remove trees that are unhealthy or too close to*
40 *power lines. This notification shall contain the utility's contact*

1 *information to allow the property owners to contact the utility in*
2 *order to obtain more information or express their concerns*
3 *regarding the vegetation management.*

4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act, within the meaning of Section
9 17556 of the Government Code.